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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
12  
13

14 **DAVID CODELL PRIDE, JR.,**

15 Plaintiff,

16 v.

18 **M. CORREA, et al.,**

19 Defendants.  
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07-CV-1382-BEN (JMA)

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR SUMMARY  
JUDGMENT [Fed. R. Civ. P. 56]**

Date: March 15, 2010  
Time: 9:00 a.m.  
Courtroom: 3  
Judge Hon. Roger T. Benitez

21 **TO PLAINTIFF DAVID CODELL PRIDE, JR., CDCR No. H-61218, PRO SE:**

22 **PLEASE TAKE NOTICE THAT ON** March 15, 2010, at 9:00 a.m., or as soon thereafter  
23 as the matter may be heard in the above-entitled Court located at 940 Front Street, San Diego, CA  
24 92101-8900, Defendants will and hereby do move the Court for an order granting summary  
25 judgment under Federal Rule of Civil Procedure 56.

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1 This motion is made on the ground that Defendants did not violate Plaintiff's Eighth  
 2 Amendment right to be free from deliberate indifference to his medical needs and that there is no  
 3 triable issue of material fact as to Plaintiff's claim. This motion is based on this Notice of  
 4 Motion, the supporting Memorandum of Points and Authorities and Exhibits attached thereto, the  
 5 Separate Statement of Uncontested Facts, the declarations of Defendants Correa, Levin, Santiago,  
 6 and Ochoa, the Court's files and records in this matter, such other matters as the court may  
 7 judicially notice, and such additional argument or evidence as may be offered at the time of the  
 8 hearing.

9 Dated: December 11, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.  
 Attorney General of California  
 MICHELLE DES JARDINS  
 Supervising Deputy Attorney General

*/s/ Terrence F. Sheehy*

TERRENCE F. SHEEHY  
 Deputy Attorney General  
*Attorneys for Defendants M. Correa, L. Santiago,  
 M.D., M. Levin, M.D., and T. Ochoa*

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## CERTIFICATE OF SERVICE

Case Name: David Codell Pride, Jr. v. M. Correa, et al. No. 07-CV-1382-BEN (JMA)

I hereby certify that on December 11, 2009, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY  
JUDGMENT [Fed. R. Civ. P. 56]**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On December 11, 2009, I have mailed the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

David Codell Pride, Jr., H-61218  
Calipatria State Prison  
P.O. Box 5005  
Calipatria, CA 92233-5005

*In Pro Per*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 11, 2009, at San Diego, California.

\_\_\_\_\_  
F. Terrones  
Declarant

  
\_\_\_\_\_  
Signature